

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

&

THE HONOURABLE MR. JUSTICE K. V. JAYAKUMAR

WEDNESDAY, THE 3RD DAY OF DECEMBER 2025 / 12TH

AGRAHAYANA, 1947

CRL.MC NO. 10327 OF 2025

CRIME NO.3700/2025 OF CRIME BRANCH, THIRUVANANTHAPURAM,

AGAINST THE ORDER DATED 17.10.2025 IN CRMP NO.2859 OF
2025 OF JUDICIAL MAGISTRATE OF FIRST CLASS ,RANNI

PETITIONER/APPLICANT:

DIRECTORATE OF ENFORCEMENT,
THROUGH THE ASSISTANT DIRECTOR,
KOCHI ZONAL OFFICE, A & P ARCADE,
S.A. ROAD, NEAR THE HPCL DEPOT,
KADAVANTHRA, KOCHI, PIN - 682036

BY ADV SHRI.JAISHANKAR V.NAIR, SC, ENFORCEMENT
DIRECTORATE

RESPONDENT/RESPONDENT

STATE OF KERALA
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031

BY ADVS.
DIRECTOR GENERAL OF PROSECUTION, SRI.T.A.SHAJI
SPL. GOVT.PLEADER, SRI.P.NARAYANAN,
SENIOR GOVT.PLEADER, SRI. S.RAJMOHAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
03.12.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER**Raja Vijayaraghavan V., J.**

Under challenge in this petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is the order dated 17.10.2025 passed by the learned Judicial First Class Magistrate, Ranni, dismissing an application filed by the Enforcement Directorate under Rule 226 of the Criminal Rules of Practice, Kerala, 1982.

2. In the said application, filed by the Enforcement Directorate represented by the Assistant Director, it is stated that a crime has been registered by the Crime Branch as Crime No. 3700 of 2025 for offences under the IPC and the Prevention of Corruption Act, 1988, which are listed as "scheduled offences" under the Prevention of Money-Laundering Act, 2002 (PMLA). It is further asserted that, in order to initiate investigation under the PMLA, copies of the FIR and FIS in the aforesaid crime are required. The learned Magistrate, however, dismissed the application by order dated 17.10.2025.

3. Sri. Jayashankar V. Nair, learned counsel appearing for the petitioner, contended that the reasons stated by the learned Magistrate for

dismissing the application under Rule 226 of the Criminal Rules of Practice, Kerala, 1982 are wholly unsustainable. He submits that the learned Magistrate proceeded on the erroneous premise that this Court had directed the Investigating Agency to conduct the investigation in a discreet manner, and that, since the case is being monitored by this Court and is of a sensitive nature, the application under Rule 226 of the Criminal Rules of Practice could not be entertained. The learned counsel further submitted that the FIR is a public document, prepared by a public servant in the discharge of official duty, and clearly falls within the ambit of Section 75 of the Bharatiya Sakshya Adhinayam, 2023. According to him, in none of the orders produced before this Court has the Court ever interdicted or restricted the handing over of the FIR to the Enforcement Directorate for the purpose of enabling initiation of investigation under the PMLA. It was also argued that Rule 226 of the Criminal Rules of Practice merely provides that applications for copies of proceedings or documents, except judgments, may be granted by the Court on a petition duly verified and stating the purpose for which the copy is sought. Nothing in the Rule justifies the dismissal of the application on the grounds cited by the learned Magistrate, contends the learned counsel.

4. The Director General of Prosecution, who appeared for the respondent submitted that, if this Court is directing the learned Magistrate to reconsider the matter, directions be issued to hear the State as well before passing any orders.

5. We have considered the rival submissions.

6. The core contention of the petitioner is that the learned Magistrate was not justified in dismissing the application filed under Rule 226 of the Criminal Rules of Practice. Reliance has also been placed on a catena of decisions to substantiate that the Enforcement Directorate is the competent statutory authority to commence investigation under the PMLA once a predicate offence is registered.

7. Having gone through the order passed by the learned Magistrate, we are of the view that the same cannot be sustained. We have not, at any point, imposed any embargo on the Magistrate considering an application in accordance with the provisions of the PMLA or Rule 226 of the Criminal Rules of Practice. However, on examining the verified petition filed under Rule 226 of the Criminal Rules of Practice, we find that there is not even a whisper regarding the existence of any proceeds of crime. Jurisdiction under the PMLA commences only when the predicate offence has resulted

in "proceeds of crime". The Enforcement Directorate must have credible material to believe that such proceeds exist. We are of the view that in the absence of such foundational averments, the application was deficient and incapable of consideration in its present form.

8. In view of the discussion above, we set aside the order passed by the learned Magistrate. It would be open to the Enforcement Directorate to file a fresh application before the learned Magistrate setting forth the exact purpose for which the copy is required. If any such application is filed, the same shall be considered on its merits, and appropriate orders shall be passed in accordance with law, after hearing the State as well.

The Crl. MC is disposed of as above.

Sd/-

**RAJA VIJAYARAGHAVAN V,
JUDGE**

Sd/-

**K.V. JAYAKUMAR,
JUDGE**

APPENDIX OF CRL.MC NO. 10327 OF 2025

PETITIONER ANNEXURES

Annexure A1	A TRUE COPY OF INTERIM ORDER DATED 10.10.2025 IN SSCR NO. 23/2025 OF HON'BLE HIGH COURT OF KERALA.
Annexure A2	TRUE COPY OF VERIFIED PETITION DATED 15.10.2025 IN CRL.M.P. NO. 2859/2025 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT, RANNI.
Annexure A3	A TRUE COPY OF COPY APPLICATION DATED 15.10.2025 FILED BY THE PETITIONER IN CRIME NO.3700/2025 OF CRIME BRANCH TRIVANDRUM.
Annexure A4	A TRUE COPY OF AFFIDAVIT DATED 15.10.2025 FILED BY THE PETITIONER IN CRIME NO.3700/2025 OF CRIME BRANCH TRIVANDRUM.
Annexure A5	A CERTIFIED COPY OF ORDER DATED 17.10.2025 IN CRL.M.P. NO. 2859/2025 IN CRIME NO.3700/2025 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT, RANNI.